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AO 243 (Rev. 09/17)

MAY 22 2023

BY MAIL

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODYU. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

United States District Court		District
Name (under which you were convicted): <u>Rodney Price / by Amy Patrick</u>		Docket or Case No.: <u>23-1358</u>
Place of Confinement: <u>Forrest City Low Arkansas</u>		Prisoner No.: <u>21739-509</u>
UNITED STATES OF AMERICA		Movant (include name under which convicted) <u>Rodney Price</u>

v.

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

United States Eastern District Court
111 South 10th St. District Court St Louis MO.
63102

- (b) Criminal docket or case number (if you know):
- appeal case # 23-1358

2. (a) Date of the judgment of conviction (if you know):
- October 26th

- (b) Date of sentencing:
- Feb 2023

3. Length of sentence:
- 7 years Lifetime Supervised prob.

4. Nature of crime (all counts):

Count 1. Receipt of child porn.

Count 2. Receipt of child pornography
w/ intent to view

5. (a) What was your plea? (Check one)

(1) Not guilty ☒(2) Guilty ☐(3) Nolo contendere (no contest) ☐

6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☒Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☒No ☐

but I was told I couldn't say what
I wanted to say

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8. Did you appeal from the judgment of conviction? Yes ☒ No ☐

9. If you did appeal, answer the following:

- (a) Name of court: Court of appeals
(b) Docket or case number (if you know): 23-1358
(c) Result: not Happend yet
(d) Date of result (if you know): _____
(e) Citation to the case (if you know): _____
(f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): _____
(2) Result: _____
(3) Date of result (if you know): _____
(4) Citation to the case (if you know): _____
(5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: appeals court
(2) Docket or case number (if you know): 23-1358
(3) Date of filing (if you know): 4/25/2023 mailed it

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(4) Nature of the proceeding: _____

(5) Grounds raised: _____

no evidence was submitted on Rodney's behalf or was the case investigated right. His attorney's did not help him at all he had it all together

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? _____

Yes ☐No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: Eastern District of Mo.(2) Docket of case number (if you know): 23-1358

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: 2255 motion

(5) Grounds raised: _____

Rodney Price stated he was set up by business partner and have under oath him saying he had access to account on Rodney's house and the stripped Rodney of his rights misrepresented by attorney treated like a prisoner from very beginning conflict of interest

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? _____

Yes ☐No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐No ☐(2) Second petition: Yes ☐No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: _____

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: the judge granted the proceccutor to keep the phone whitch was the only evidence

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

the phone was broken and we payed a specialist to get phone so we had all evidence but did not get instead got handdriue specialist sound nothing. but said no proof it came from his phone.

was locked in house for 2 months Refused to go Dr. appointments by pretrial. Got violations because I had covid so he couldn't go to app. no one would speak with girlfriend even though he asked repetaly for them to inform her and misrepresente

(b) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

- (2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: attorney wont Respond to anyone

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): 23-1358

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: they took all Rodney's Rights and they lied at the trial about Rodney being on

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): phone-

in Report they say he was downloading when they came to house but he was not that's why they wanted ledgers but they then arrested him at Amy's Place of employment and she believes this is why they refuse to release her

(b) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

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(2) If you did not raise this issue in your direct appeal, explain why:

because they didn't give him a chance
(c) **Post-Conviction Proceedings:** *told him he couldn't talk about*

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

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GROUND THREE: they put Rodney in forest city Low. He cant contact an attorney or get

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
any papers to court for appeal
attorney wont Respond.

(b) Direct Appeal of Ground Three:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: waont given chance to

GROUND FOUR:

not one time during the 5 years
of his case would they keep his girlfriend
(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): located or
Rodney make his girlfriend his talk to her
power as attorney so they would
speak w/ Amy and still refused

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

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Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

Carl Kingsley St. Gen

(b) At arraignment and plea:

Barrocca Morrison
St. Louis. MO.

(c) At trial:

Joseph Hogan
Chrondelete MO.

(d) At sentencing:

11 " Hogan

(e) On appeal:

Hogan but want different att

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? ☒ Yes $\frac{1}{2}$ ☒ No $\frac{1}{2}$

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes $\frac{1}{2}$ ☐ No $\frac{1}{2}$

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

Supervised probation for life it. IS.
redicualas

(b) Give the date the other sentence was imposed:

Same

(c) Give the length of the other sentence:

Life

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? ☒ Yes $\frac{1}{2}$ ☐ No $\frac{1}{2}$

[illegible]

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

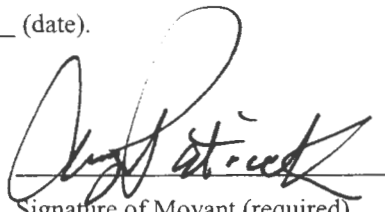
Therefore, movant asks that the Court grant the relief to which he or she may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion Under 28 U.S.C. § 2255 was placed in the prison mailing system on 4/25/2023

(month, date, year).

Executed (signed) on 4/25/2023 (date).



Signature of Movant (required)

* * * * *

**Model Form for Use in 28 U.S.C. § 2255 Cases
Involving a Rule 9 Issue (Abrogated)**

[The advisory committee is developing a new form that
makes extensive revisions to the existing form.]

Rodney Price Rodney Price 5-10-23